

EXHIBIT K

Comparison of Existing and Proposed Agricultural Grading Provisions

The table below outlines the various requirements and standards in the current and proposed ordinances. For ease of reference, the column at the far right is **filled in** for topics where changes are proposed. Notes are also referenced by number in the right column and the notes can be found at the end of the table.

Topic	Current	Proposed	#
THRESHOLD			
Threshold triggered by grading: <ul style="list-style-type: none"> < 50 cubic yards (cumulative) < 2 feet of cut and <3 feet fill 	NO	NO	1
Threshold triggered by grading: <ul style="list-style-type: none"> >50 cubic yards (cumulative) < 2 feet cut and <3 feet fill 	NO	YES	2
Threshold triggered by grading: <ul style="list-style-type: none"> >50 cubic yards (cumulative) >2 feet cut or >3 feet fill 	YES	YES	
Threshold triggered by removal of >½ acre of native vegetation for rangeland management purposes	NO	YES	3
Threshold triggered by removal of >½ acre of native vegetation for other reasons (i.e. crop production)	NO	NO	
Cultivation activities count towards the thresholds	YES	NO	4
REQUIREMENTS FOR EXEMPT STATUS			
Creation of a hazardous condition is prohibited. Hazardous conditions include grading which: <ul style="list-style-type: none"> creates a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact 	YES	YES	5
Ordinance states that grading shall obtain permits from all necessary state and federal agencies.	YES	NO	6
While other exemptions do not apply in Geologic Study Area and Flood Hazard designations, agricultural exemptions still apply in these areas.	YES	YES	
Site work must be balanced (i.e. no importation or exportation), unless going through alternative review or unless import/export is allowed by a specific exemption.	YES	YES	7

Topic	Current	Proposed	#
Excavated material must be placed on the same or contiguous parcels.	YES	YES	
Grading must follow sound agricultural management measures (i.e. NRCS practices)	YES	YES	
Revegetation of cut and fill slopes is required	YES	YES	
PROCEDURAL REQUIREMENTS			
An agricultural grading form is required for some projects.	NO	YES	8
Planning Department verifies the projects may proceed under alternative review	NO	YES	9
Roads and ponds under alternative review require review and verification by the Ag Commissioner	YES	YES	
Other activities under alternative review require review and verification by the Ag Commissioner	YES	NO	10
Activities which are deemed inappropriate for alternative review will require a grading permit	YES	YES	
As-built grading is ineligible for alternative review program unless the Director authorizes it	NO	YES	11
FIELDS/GRAZING			
Tillage activities	EXEMPT (L1)	EXEMPT	12
Grading for existing fields/grazing (ongoing)	EXEMPT (L1)	EXEMPT	13
Creation of new fields on slopes <30%	EXEMPT (L1)	AG FORM REQUIRED	
Orchards and vineyards on slopes >30%	ALT REVIEW	ALT REVIEW	
Vegetation removal for new rangeland > ½ acre	EXEMPT	ALT REVIEW	14
MAINTENANCE / ENHANCEMENT			
Routine maintenance of existing facilities	EXEMPT	EXEMPT	15
Maintenance of drainage channels	EXEMPT (L1)	EXEMPT	16
Maintenance of existing agricultural roads	EXEMPT (L1)	EXEMPT	17
Clearing of vegetation for fire safety	EXEMPT	EXEMPT	
Firebreaks	EXEMPT (L2)	EXEMPT	18
Streambank protection measures	EXEMPT (L2) or ALT REVIEW	EXEMPT or ALT REVIEW	19
Soil, water, or wildlife conservation project	EXEMPT (L2)	EXEMPT or ALT REVIEW	20

Topic	Current	Proposed	#
INFRASTRUCTURE, ROADS, ETC.			
Ag Roads, meeting all of the following provisions: <ul style="list-style-type: none"> • < 16 feet wide • on slopes < 30% • used exclusively for fields or grazing, water sources, fence lines, etc. • located within AG or RL and outside the URL (RR only if serving <i>existing</i> ag and verified by Ag Commissioner) • no access to structures, except ag exempt structures • cut/fill height < 3 feet if visible from a public road • >50 feet from top-of-bank of a stream • drainage and erosion control appropriately designed (i.e. NRCS practices) • vegetated buffer strip between road and creek • road sloped at least 2% for drainage • drainage not directed to other properties • will not discharge silt • constructed during dry season unless erosion control measures are in place during construction 	EXEMPT (L2)	ALT REVIEW	21
Ag roads that don't meet one or more of the above criteria, but serve only agricultural uses	ALT REVIEW	ALT REVIEW	
Ag roads that would also serve a structure	GRADING PMT	GRADING PMT	
Ag roads later proposed to serve a structure	GRADING PMT	GRADING PMT	
Drainage improvements on slopes <30 percent	EXEMPT (L2)	EXEMPT or AG FORM REQUIRED	22
Trails and recreational improvements	EXEMPT (L2)	ALT REVIEW	23
New water pipelines	EXEMPT (L1)	EXEMPT	
Water wells, tunnels, and pipeline maintenance	EXEMPT (L1)	EXEMPT	24
Irrigation pit	EXEMPT (L1)	AG FORM REQUIRED	25
Stock pond outside of a blue line stream	ALT REVIEW	ALT REVIEW	
Stock pond involving a blue line stream	GRADING PMT	ALT REVIEW	26
Waste management systems (i.e. winery wastewater systems)	ALT REVIEW	ALT REVIEW	
OTHER AGRICULTURAL USES			
Pad for agricultural exempt structures	GRADING PMT	GRADING PMT	
Pad for other agricultural structures	GRADING PMT	GRADING PMT	
Equestrian facilities	GRADING PMT	GRADING PMT	27
Nursery specialty uses	GRADING PMT	GRADING PMT	
Grading for source materials	GRADING PMT	GRADING PMT	

NOTES

1. The threshold may also be triggered at 20 cubic yards if work is to occur in a watercourse.
2. Threshold is changed in Section 22.52.060, removing the cut/fill depth qualifier. This means that grading would trigger the threshold if it involves 50 cubic yards, *regardless* of the depth of cut and fill.
3. See Note 14
4. Under this proposal, the definition of “excavation” would be revised to specifically exclude cultivation activities (e.g. tilling, raking, ploughing, discing, etc.). Therefore these activities would not count towards cubic yardage under this proposal.
5. Grading cannot result in hazardous conditions. Under the current ordinance, the Director has the authority to require remedial work be done when a hazardous condition has been created. The proposed ordinance maintains this provision and clarifies that if grading would result in a hazardous condition, exemption is not an option.
6. The current ordinance requires state and federal permits be obtained (Section 22.52.050A.2) for all exempt grading. The proposed ordinance relegates this to a note and instead states that the applicant should *understand* that state and federal permits may be required.
7. The present ordinance requires that all excavated material be placed on the same or contiguous parcels. The proposed ordinance allows importation/exportation from off-site only when going through the Alternative Review program or under one of the following circumstances:
 - You may import or export soil fertility amendments under the “ongoing crop production” exemption, or as part of a new field.
 - You may import material for the purposes of routine maintenance.
 - You may import material such as sand as part of constructing new irrigation lines.
8. An agricultural grading form is required for new fields on slopes under 30 percent and for small reservoirs. The form must be filed with the Department of Planning and Building prior to grading. There is no review and approval component, and no fee is anticipated. Work may begin immediately upon filing the form.
9. Planning Department does not presently keep records of projects proceeding under alternative review. Under the proposed ordinance, verification by the Planning Department will be required, and the RCD will be required to accept the project.
10. Under the proposed ordinance, only roads and ponds proceeding under Alternative Review require consideration by the Ag Commissioner. The current ordinance requires all alternative review projects to be reviewed by the Ag Commissioner.
11. RCD has no code enforcement capacity. Under the proposal, projects where a grading violation has occurred will not be allowed to proceed through the alternative review process, unless the Director first authorizes it. This intended to preempt repeat violators from abusing the alternative review process.
12. Cultivation activities are no longer defined as “excavation” and therefore are no longer regulated under the grading ordinance. See also Note 4.
13. Grading on existing fields is not explicitly listed as exempt in the existing ordinance. Under the current ordinance, grading on existing fields is exempt as long as the field was in crop production during the last 5 years (or exiting from the Conservation Reserve Program). Otherwise, the grading would be considered a “new field.”
14. Under the proposal, removal of ½ acre or more of native vegetation would require alternative review. The exception would be where the removal is occurring on lands that were grazed within the last 5 years. In that case, the project would fall under the “ongoing grazing” exemption.
15. The “routine maintenance” exemption is expanded to include equestrian facilities and ponds.
16. Maintenance of drainage channels now falls under “routine maintenance” exemption.
17. While this is separate in the existing ordinance, it will fall under the “routine maintenance” exemption.
18. Fire breaks are covered under the “clearing vegetation for fire safety” exemption.

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19. In the current ordinance, streambank protection is exempt, unless it is considered “major” – in which case alternative review is required. Under the proposed ordinance, streambank enhancement can fall under the “conservation, restoration, and enhancement” exemption if permits and inspections are provided by another agency (e.g. Fish and Game). In most cases, at least one other agency will be involved and the project will be able to proceed without County involvement. In cases where another agency is not otherwise involved, the applicant may go through alternative review with the RCD/NRCS or obtain a grading permit from the County.
 20. See Note 19
 21. Under the proposed ordinance, all agricultural roads would require alternative review or a grading permit.
 22. In the proposed ordinance, drainage improvements related to ongoing agriculture fall under the “ongoing agriculture” exemption and drainage improvements related to new fields fall under the “crop production” portion of agricultural grading” (which requires the form).
 23. The current ordinance includes trails under two Level Two exemptions: “hillside improvements” if the trail is on slopes of 30% or less, and “trails and recreational improvements” with no specified slope limitation. The ordinance is unclear if trails on slopes over 30 percent require alternative review. Additionally trails are not differentiated from roads in terms of width or other features. Under the proposal, trails and recreational improvements will require alternative review.
 24. Water wells, tunnels, and pipeline maintenance now fall under “exploratory excavations and public utility connections.”
 25. “Irrigation pit” is referred to in the new ordinance as a “small reservoir.”
 26. Stock ponds involving a stream will already be subject to review (including CEQA) from several state/federal agencies.
 27. Clarification is added in the “routine maintenance” exemption allowing importation of material for routine maintenance of equestrian facilities. Currently there is no such provision.